

REMARKS

The claims are amended to define patentable subject matter over the rejection of record, including newly-cited *Hanson* (US 4,558,888). Claims 1-3, 5-9, and 12 remain. Claims 14 and 15, previously withdrawn from consideration by the Examiner as directed to a non-elected invention, were cancelled without prejudice.

Interview Summaries

The Examiner is thanked for the telephone interviews conducted on 21 June and 22 September 2006 with the undersigned attorney for the Applicant. Specifically, in the 21 June 2006 interview the undersigned asked why Claim 11 previously indicated as allowable if rewritten in independent form, was now rejected on a new ground including *Hanson* '888. The Examiner replied that quality review at the PTO determined an additional search was required, producing that newly-cited reference and requiring a new ground of rejection.

Considering that new rejection, the undersigned prepared proposed revisions to Claim 1 and faxed a copy of those proposed revisions to the Examiner shortly before the interview on 22 September 2006. During that interview, the undersigned pointed out that the proposed amendments to Claim 1 emphasize the two-part nature of the claimed invention and distinguish over the three-part nature of the tapes shown in the applied art, including *Hanson* '888. The undersigned also told the Examiner that the barrier coat 12 disclosed in *Hanson* '888 does not enter the interstices of the backing, but merely coats over the fabric and adhesive which exists in the interstices of the porous backing. The Examiner replied that he would need to consider proposed Claim 1 in view of the entire

Hanson '888 disclosure. However, the Examiner did say that proposed Claim 1 did not appear to present any 35 USC § 112 issue.

The undersigned told the Examiner that the Applicant intended to submit a declaration regarding non-obviousness, particularly to distinguish the numerical values set forth in the claims from equivalent values of the tapes disclosed in the art applied to reject the claims.

Discussion of Rejections

Claim 1 presented herein is identical to the draft claim presented to the Examiner by the undersigned and discussed during the 22 September 2006 interview. This claim is currently amended to recite that the Applicant is claiming a textile adhesive tape consisting essentially of a two part system. That is, the adhesive tape according to the present invention is not a three-layer tape, unlike the tapes of *Mamish* and *Hanson* '888.

Additional differences of the adhesive tape defined in Claim 1, compared to the applied prior art, are that the adhesive coating of the claimed tape is adjacent to the nonwoven fiber tape support, and that the nonwoven fiber material is imbued with a thermoplastic resin that impregnates the nonwoven fiber material so that the impregnated tape support prevents penetration of the adhesive coating through the tape support.

Mamish discloses a third layer, namely, the polyolefinic backing layer described at column 1, lines 51-55. Accordingly to *Mamish*, that third layer preferably consists of two sub-layers (column 2, lines 9-32 and examples 5-7 in Table 1). The third layer of *Mamish* is applied by extrusion, preferably coextrusion onto the nonwoven cloth material, as disclosed at column 2, lines 32-35 of *Mamish*. That reference thus discloses a three-layer tape.

The third layer of *Hanson* '888 is the barrier coating 12 (column 2, lines 18-21 and Fig. 4). Those layers are clearly shown in Fig. 4 of *Hanson* '888, including (in addition to the release coating or backing 14) the nonwoven fiber backing material 10, the adhesive coating 11 on one side of the nonwoven fabric, and the barrier coating 12 applied to the nonwoven fabric on the surface opposite the adhesive 11. *Hanson* '888 states that the barrier coating 12 on that opposite surface of the nonwoven fabric restricts migration or flow of the adhesive 11 to the opposite side of the tape (column 2, lines 18-21). *Hanson* '888 also thus discloses a three-layer tape.

The rejection asserts that the barrier coat 12 of *Hanson* '888 "forms a non-tacky continuous film, which exists in the interstices of the porous backing." That statement is not supported by *Hanson* '888. Column 3, lines 28-30 state that the adhesive "will prevent wicking through the superimposed porous backing fabric." Further, the barrier coat 12 must "continuously coat the backing over the fibers and adhesive which exists in the interstices of the porous backing leaving a nonporous, non-tacky tape surface" (emphasis added). The barrier coat 12 in *Hanson* '888 thus does not exist in the interstices of the porous backing, but instead coats that backing including adhesive which exists in the interstices of the backing.

Another difference between the claimed invention, compared to the prior art applied against the claim, is that the adhesive coating in the Applicant's tape is adjacent to the tape support at one side of that tape support. *Mamish* and *Hanson* '888 each describe adhesive tapes with three layers or more, where a barrier layer to prevent migration of adhesive through the tape support is indispensable. Accordingly to the present invention, the tape support itself (imbued with the thermoplastic resin as claimed)

functions to prevent penetration of the adhesive coating through the tape support. Since the adhesive tape according to Claim 1 is a two-layer system, neither *Mamish* nor *Hanson* '888 —each of which discloses a three-layer tape— would have led one of ordinary skill to the two-layer tape invention disclosed and claimed by the Applicant.

The Applicant has previously pointed out (see, for example, Seventh Response filed Feb. 10, 2006, pages 7-8) the relevance of the basis weights for the nonwoven fiber material and for the thermoplastic resin in the adhesive tape defined by Claims 1 et al. To support that position, the Applicant is submitting his declaration concurrently with the present response. The Applicant's declaration supports the previous determination of a calculated basis weight of impregnation (bwi) for *Mamish* at the minimum possible value, according to the coextrusion process used by *Mamish*, and points out that the Applicant's claimed bwi of thermoplastic resin (1 to 5 g/m²) is less than 13.7% of the absolute minimum real disclosed value according to the coextrusion process of *Mamish* (declaration, paragraphs 7-9). The Applicant's declaration also supports the conclusion that a coating resin with a bwi of 1 to 5 g/m², as the Applicant has disclosed and claims, would not have been sufficient for coating the surface and embedding a light weight nonwoven as taught by *Mamish*, and could not have been applied using the coextrusion process described by *Mamish* (declaration, paragraph 10). The Applicant's declaration also discusses *Hanson* '888 (declaration, paragraph 11), pointing out that the nature of the barrier coat and other elements of that reference imply that some adhesive does enter at least part-way through the porous backing fiber.

Based on the foregoing, the Applicant respectfully submits that the textile adhesive tape consisting essentially of a two-part system, as disclosed and defined in

Claims 1 et al. would not have been obvious to one of ordinary skill, in view of *Mamish* and *Hanson* '888. Nothing in either reference would have pointed the way toward a tape meeting the limitations of Claim 1. Accordingly, those claims are properly allowable over those references.


Claim 9 stands rejected as unpatentable over *Mamish* in view of *Hanson* '888, further in view of *Hansen* (US 4,133,731). *Hansen* '731 is applied to teach that an adhesive is UV-crosslinkable (paragraph 6, Office Action dated 9/29/2004). However, dependent Claim 9 includes all limitations of Claim 1 and is not obvious for the reasons discussed above with respect to *Mamish* and *Hanson* '888. *Hansen* '731 does not address or overcome the teaching deficiencies of those two references and was not cited for that purpose. Accordingly, Claim 9 defines patentable subject matter over the art applied to that claim.

The foregoing is submitted as a complete response to the Office Action identified above. The Applicant respectfully submits that the present application is in condition for allowance and again solicits a notice to that effect.

Respectfully submitted,

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